



UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

**In Re: AUTOMOTIVE WIRE HARNESS
SYSTEMS ANTITRUST LITIGATION**

This Document Relates to:

All Automobile Dealer Actions

*Hammett Motor Co., Inc. v. Delphi Automotive
LLP, et al.*, No. 12-10688;

*Landers Auto Group No. 1, Inc. d/b/a Landers
Toyota v. Delphi Automotive LLP, et al.*,
No. 12-10676;

*Superstore Automotive, Inc. v. Delphi Automotive
LLP, et al.*, No. 12-10687;

*Martens Cars of Washington, Inc. v. Furukawa
Electric Co., et al.*, 12-10681

MDL No. 2311

Judge Marianne O. Battani
Magistrate Mona K. Majzoub

**DECLARATION OF JONATHAN
W. CUNEO**

I, Jonathan W. Cuneo, declare:

1. I am a founding partner of Cuneo Gilbert & LaDuca, LLP, a law firm headquartered in Washington, DC. Our firm has approximately 20 attorneys and devotes the majority of its practice to the representation of clients involved in antitrust, securities, corporate governance, consumer protection and products liability complex and class action litigation. My firm's resume is attached hereto.

2. I am admitted to the state bars of the District of Columbia and New York.

3. After a federal appellate clerkship, I began my career as an attorney in the Office of the General Counsel of the Federal Trade Commission. During my three years at the Federal Trade Commission, I worked on a number of very prominent antitrust cases.

4. I next worked as Counsel to the Subcommittee on Monopolies and Commercial Law of the U.S. House of Representatives' Committee on the Judiciary for four and a half years.

5. Since 1986, I have served as General Counsel and Legislative Representative of the Committee to Support the Antitrust Laws.

6. I was one of the three founding directors of the American Antitrust Institute. I served as a director from 1986 until 2009.

7. I recently co-authored THE INTERNATIONAL HANDBOOK OF PRIVATE ENFORCEMENT OF COMPETITION LAW (Edward Elgar Publishing Inc., 2010).

8. I have served as counsel in a number of significant cases including:

- *Mangini v. RJ Reynolds Tobacco Company*, 7th Cal. 4th 1057
(The first case to challenge the "Joe Camel" advertising campaign, resulting in the public release of documents showing the targeting of children)
- *Dennis v. Metromail*, Texas Dist. Ct., No-9604451
(One of the most significant privacy cases in United States history, involving an information company contracting with Texas inmates to process private information)
- *In re Enron Corp. Sec. Litig.*, S.D. Tex., No. H-01-3624
(Washington counsel to defrauded shareholders of Enron Corporation resulting in \$7 million recovery, the largest securities recovery in history)
- *Rosner, et al. v. United States*, S.D. Fla., No. 01-cv-1859
(The so-called "Gold Train" case which involved the looting of the personal assets of Hungarian Holocaust victims and survivors by the United States Army after World War II, resulting in a statement of acknowledgement by the government and a \$25.5 million settlement)

- *Galanti, et al. v. The Goodyear Tire & Rubber Company*, D.N.J., No. 03-cv-209 (\$340+ million recovery on behalf of homeowners who purchased allegedly defective radiant heating systems)

9. I have represented the County of Los Angeles and the State of West Virginia in antitrust cases that achieved substantial recoveries.

10. The Trial Lawyers for Public Justice selected me as a finalist for its 2006 Trial Lawyer of the Year award.

11. Working side-by-side with me will be my partner, Joel Davidow, one of the most experienced and distinguished antitrust lawyers in the country. Mr. Davidow worked at the U.S. Federal Trade Commission, followed by 15 years in the Antitrust Division of the Department of Justice, where he eventually served as Chief of the Foreign Commerce Section and then Director of Policy and Planning. Mr. Davidow has been a partner in several firms that advised and represented major corporations. Mr. Davidow has been an adjunct Professor of Law at George Washington University School of Law, Columbia Law School, Georgetown Law Center, American University Law School, and George Mason University Law School, where he has taught courses in antitrust, regulation and international competition policy. Mr. Davidow is also the author of the ANTITRUST GUIDE FOR INTERNATIONAL BUSINESS ACTIVITIES (BNA, 4th ed. 2011).

12. My firm has litigated cases that are national and international in scope and has represented a diverse array of clients, including individuals, businesses, state and local governments, public interest organizations, and unions.

13. With 20 attorneys and six offices, my firm has the resources necessary to serve as one of the lead firms representing the automobile dealers in this litigation. We are ready

and willing to invest the time and expenses needed to bring this action to a successful resolution.

I affirm under penalty of perjury that the foregoing is true to the best of my knowledge.

/s/ Jonathan W. Cuneo
Jonathan W. Cuneo

Dated: February 27, 2012

**CUNEO GILBERT & LADUCA, LLP
FIRM PROFILE**

Civil Litigation in Federal and State Courts. General Commercial Practice. Antitrust, Civil Rights, Government Relations, Products Liability, Administrative, Securities, Health Care, Labor, Franchise and Consumer law.

ATTORNEYS

Jonathan W. Cuneo, born New York, New York, September 10, 1952. Admitted to the District of Columbia Bar, 1977; New York Bar, 2006. Admitted to practice before the United States Supreme Court, 1994; United States Court of Appeals for the First Circuit, 2006; United States Court of Appeals for the Second Circuit, 2007; United States Court of Appeals for the Third Circuit, 2004; United States Court of Appeals for the Fourth Circuit, 2005; United States Court of Appeals for the Ninth Circuit, 2007; United States Court of Appeals for the District of Columbia Circuit, 1978; United States District Court for the Eastern District of New York, 2006; United States District Court for the Southern District of New York, 2006; United States District Court for the Northern District of New York, 2002; United States District Court for the District of Columbia, 1978.. Education: Columbia University (A.B., 1974); Cornell University (J.D., 1977). Experience: Law clerk to the Honorable Edward Tamm, United States Court of Appeals, District of Columbia Circuit Court (1977-1978); Attorney, Office of the General Counsel, Federal Trade Commission (1978-1981); Counsel, Subcommittee on Monopolies and Commercial Law, House Committee on the Judiciary (1981-1986); General Counsel, Committee to Support the Antitrust Laws (1986 -); Legislative Counsel, National Association of Shareholder and Consumer Attorneys (1988-2004); Legislative Counsel, National Coalition of Petroleum Retailers and Service Station Dealers of America (1988-1994); Arlington County Democratic Committee (1983-1987). Honors and Activities: Board Member, Juvenile Law Center (2009-); Finalist, 2006 Trial Lawyer of the Year, Trial Lawyers for Public Justice; Board of Editors, Class Action Reports; Board Member, American Antitrust Institute (1998 -); Board Member, Violence Policy Center (1999 -); Board Member, Appleseed Legal Foundation (1999-2005). Publications: *Judge Tamm and the Evolution of Administrative Law: The Art of Judging*, 74 GEORGETOWN L.J. 1595 (1986); *Pulling the Plug on Antitrust Law* (with Jerry Cohen), THE NATION (1987); *House Takes Up Cause of Discounters*, LEGAL TIMES, Vol X, No. 30 (1987); *Supreme Court's "Sharp" Ruling Means Higher Prices, Fewer Choices for Consumers*, MANHATTAN LAWYER (1988); Chapter, *Consumer Protection -- Federal Trade Commission*, CHANGING AMERICA: BLUEPRINTS FOR THE NEW ADMINISTRATION (edited by Mark Green) (1992); *Antitrust and Clinton: Changes on the Horizon*, THE CALIFORNIA LAWYER (1993); *Action on Class Actions*, THE RECORDER (1997); *The Gold Train Case: Successfully Suing the United States on Behalf of a Class of Holocaust Era Victims* (with Professor Charles Tiefer), 27 CLASS ACTION REPORTS 139 (2006); THE INTERNATIONAL HANDBOOK OF PRIVATE ENFORCEMENT OF COMPETITION LAW (with Albert A. Foer) (Edward Elgar Publishing Inc., 2010). Guest Lecturer: Southwestern Law School, 1997 and 1998; numerous appearances in CLE programs in the United States and Canada; District of Columbia Judicial Conference (2007). Member: American Bar Association; District of Columbia Bar Association; American Association for Justice; The Barristers.

Pamela B. Gilbert, born New Brunswick, New Jersey, October 3, 1958. Admitted to the New York Bar, 1985 (inactive); District of Columbia Bar 1986. Admitted to practice in D.C. Education: Tufts University (B.A., *magna cum laude*, 1980); New York University (J.D., 1984). Experience: Consumer Program Director, United States Public Interest Research Group (1984-1989); Legislative Director, Executive Director, Public Citizen's Congress Watch (1990-1992; 1992-1994); Attorney, M+R Strategic Services (1995); Executive Director, Consumer Product Safety Commission (1996-2001); Chief Operating Officer, M+R Strategic Services (2001-2002). Honors and Activities: Board Member, Equal Justice Works (2004 -); Board Member, National Environmental Law Center (2006 -); Board Member, OMB Watch (2009 -). Member: New York Bar Association; District of Columbia Bar Association; American Bar Association; American Association for Justice; Public Justice.

Charles J. LaDuca, born Buffalo, New York, September 30, 1974. Admitted to the New York State Bar, 2001; District of Columbia Bar, 2002; United States Supreme Court, 2009; United States Court of Appeals for the Second Circuit, 2007; United States Court of Appeals for the Third Circuit, 2004; United States District Court for the Western District of New York, 2004; United States District Court for the Central District of Illinois, 2009; United States District Court for the Northern District of New York, 2002; United States District Court for the District of Columbia, 2002. Education: George Washington University (B.A., 1996); Catholic University of America (J.D., 2000). Member: District of Columbia Bar Association (Corporation, Finance and Securities Law Section); New York State Bar Association; New York State Society.

William H. Anderson, born Trenton, New Jersey, March 28, 1979. Admitted to the Pennsylvania Bar, 2004; District of Columbia Bar, 2007. Education: The George Washington University (B.A., *cum laude*, 2000); American University (J.D., 2004). Experience: Law clerk to the Honorable Rhonda Reid Winston, Superior Court, District of Columbia (2004-2005). Member: Metropolitan Washington Employment Lawyers Association; Pennsylvania Bar Association.

Daniel Cohen, born Detroit, Michigan, January 24, 1958. Admitted to the Florida Bar, 1989; District of Columbia Bar, 2001; Maryland State Bar, 2002. Admitted to practice before the United States District Court for Maryland, 2003; United States District Court for the Middle District of Florida, 2003. Education: Ithaca College (B.A., 1981); Western New England School of Law (J.D., 1988). Experience: Criminal Defense Trial Attorney, Public Defenders Office, Jacksonville Florida, 1989- 1999. Member: District of Columbia Bar Association (Antitrust and Consumer Law Section); Florida State Bar Association; Certified State of Florida Mediator.

Sandra W. Cuneo, born New York, New York, November 10, 1948. Admitted to California Bar, 1983; District of Columbia Bar, 1983, New York State Bar, 1985. Admitted to practice before the United States District Court for the Central District of California, 1983; United States District Court for the Northern District of California, 1984; United States District Court for the Eastern District of New York, 1986; United States District Court for the Southern District of New York, 1986. Education: Sarah Lawrence College (A.B., 1970); Georgetown University Law Center (J.D., *cum laude* 1983). Experience: Legal Intern, Chambers of the Honorable Harry T. Edwards, United States Court of Appeals for the District of Columbia Circuit (1982-1983); Associate, Latham & Watkins (1983-1988); Counsel, The Jockey Club of Baltimore City, Inc. (1989-1992); Director, New York State Office of Federal Affairs and Washington Counsel to the Governor of the State of New York (1993-1994); Executive Director, Robert F. Kennedy Memorial (1995-1998); Senior Attorney, Northeast Regional Office of the Federal Trade Commission (2000-2001); Director, Claimant Services, Trial Lawyers Care (2001-2004); Executive Director, Police Assessment Resource Center (2004-2005). Honors and Activities: Board Member, Sargent Shriver National Center on Poverty Law; Board Member, Drum Major Institute for Public Policy; Member of the Board of Governors, Franklin and Eleanor Roosevelt Institute. Member: Association of the Bar of the City of New York; California State Bar Association; District of Columbia Bar Association.

Robert J. Cynkar, born Chicago, Illinois, April 22, 1952. Admitted to the Illinois Bar, 1977; District of Columbia Bar, 1978; Virginia Bar, 1984. Admitted to practice before the United States Supreme Court, 1980; United States Court of Appeals for the First Circuit, 2006; United States Court of Appeals for the Second Circuit, 1995; United States Court of Appeals for the Third Circuit, 1992; United States Court of Appeals for the Fourth Circuit, 1983; United States Court of Appeals for the Fifth Circuit, 1995; United States Court of Appeals for the Sixth Circuit, 1992; United States Court of Appeals for the Eighth Circuit, 2007; United States Court of Appeals for the Eleventh Circuit, 2005; United States Court of Appeals for the District of Columbia Circuit, 1979; United States Court of Appeals for the Federal Circuit, 1992. Education: Princeton University (A.B., *magna cum laude*, 1974); New York University School of Law (J.D., 1977)(Staff, Law Review). Experience: Associate, Fried, Frank, Harris, Shriver & Kampelman, Washington, D.C. (1977-1979); Counsel, Subcommittee on Improvements in Judicial Machinery, United States Senate Committee on the Judiciary (1979-1981); General Counsel, Subcommittee on Regulatory Reform, United States Senate Committee on the Judiciary (1981-1983); Assistant United States Attorney, Eastern District of Virginia (Criminal Division) (1983-1985); Special Assistant to Attorney General Edwin Meese (1985); Deputy Assistant Attorney General, Civil Division, United States Department of Justice (1985-1988); Associate, Shaw, Pittman, Potts & Trowbridge, Washington, D.C. (1988-1991); Partner, Shaw, Pittman, Potts & Trowbridge, Washington, D.C. (1991-1996); Founding Partner, Cooper & Kirk, Washington, D.C. (1996-2003); Partner, Egan, Fitzpatrick, Malsch & Cynkar, Vienna, Virginia (2004-2006). Publications: Dumping on Federalism, 75 U.COLO.L.REV. 1261 (2004); *The Changing Vocabulary of Administrative Law*, 43 FOOD DRUG COSM.L.J. 681 (1988); "Buck v. Bell: 'Felt Necessities' v. Fundamental Values?" 81 COLUMBIA L.REV. 1418 (1981). Member: American Bar Association; District of Columbia Bar Association; Virginia Bar Association; Fairfax County Bar Association; Federalist Society.

Joel Davidow, born Trenton, New Jersey, July 24, 1938. Admitted to the Bar in the District of Columbia, 1965; New York Bar, 1981; Court Admissions: U.S. Supreme Court, U.S. Court of Appeals (D.C., Ninth, First and Federal Circuits), U.S. District Court, S.D.N.Y., U.S. District Court, E.D.N.Y. Education: Columbia University School of Law (LLB, *cum laude*, 1963);

Princeton University, Woodrow Wilson School of Public Affairs (B.A., *summa cum laude*, 1960). Experience: Notes editor of the Columbia Law Review and the winner of the National Jessup Moot Court Competition; Two years in the U.S. Federal Trade Commission; Fifteen years in Antitrust Division of the Department of Justice, where he eventually served as Chief of the Foreign Commerce Section and then Director of Policy and Planning; Senior antitrust partner in major New York City and Washington, D.C. law firms, representing clients from Japan, Europe, and the United States, as both plaintiffs and defendants, in antitrust, patent, and trade litigation matters; Counsel of record in numerous antitrust class actions and has briefed and argued multi-million dollar appeals before the First, Second, Seventh, Ninth and Federal Circuit courts of appeal. Publications: ANTITRUST GUIDE FOR INTERNATIONAL BUSINESS ACTIVITIES (BNA, 4th ed. 2011); PATENT-RELATED MISCONDUCT ISSUES IN U.S. LITIGATION (OUP, 2010); and numerous articles dealing with international antitrust and patent litigation topics. Lecturer: Adjunct Professor of Law at George Washington University School of Law, Columbia Law School, Georgetown Law Center, American University Law School, and George Mason University Law School, where he has taught courses in antitrust, regulation, and international competition policy.

Preetpal Grewal, born Punjab, India, January 13, 1968. Admitted to practice law throughout India, 1992; State of New York, 2002. Education: St. Bede's College (B.A., 1988); Himachal Pradesh University (LL.B., 1992); New York University (LL.M., 2001). Experience: Associate attorney, Office of Pt. Om Prakash Sharma (1992-1996), Office of Preetpal Grewal (1996-2000), Counsel, Himachal Pradesh High Court Judiciary (1998-2000); Bisceglie & Friedman, LLP (2002-2005), Hahn & Hessen, LLP (2005-2008). Honor and Activities: Founder, Women's Cell, Shimla, Himachal Pradesh; President, Himachal Pradesh High Court Committee for Ex-Servicemen; President, Himachal Pradesh High Court Committee for Women and Children; Secretary, Himachal Pradesh High Court Bar. Member: American Bar Association, New York State Bar Association, New York City Bar Association, Bar Counsel of Himachal Pradesh, Himachal Pradesh High Court Bar Association.

Matthew E. Miller, born Queens, New York, May 16, 1966. Admitted to Bar of the Commonwealth of Massachusetts, 1992; Louisiana Bar, 1993; District of Columbia Bar, 1994. Admitted to practice before the United States Courts of Appeals for the First Circuit, 1998, Fourth Circuit, 2010, Ninth Circuit, 2010; United States District Court for the District of Massachusetts, 1994; United States District Court for the District of the District of Columbia, 2008. Education: Tufts University (B.A., *magna cum laude*, 1988); University of Virginia (J.D., 1991). Experience: Law Clerk to the Honorable Edith Brown Clement, United States District Court for the District of Louisiana, 1991-1993; Berman, DeValerio & Pease, Boston, MA 1994-1999; sole practitioner, 1999-2008.

Victoria O. Romanenko, born Kiev, Ukraine, April 8, 1983. Admitted to the Maryland Bar, 2003; Education: Catholic University, Columbus School of Law (J.D., 2009); Brandeis University (B.A., with honors, 2006); Experience: clerked in a number of government agencies, including the Department of Labor and the U.S. International Trade Commission.

Brendan S. Thompson, born Buffalo, New York, February 21, 1974. Admitted to the Maryland

State Bar, 2008; United States District Court for the District of Colorado, 2008; United States District Court for the Central District of Illinois, 2008. Education: University of Detroit (B.S., 1997); University of Baltimore Law School (J.D., 2008). Member: Maryland Bar Association, Baltimore; Bar Association, American Bar Association; New York State Society.

Alexandra C. Warren, born Bucharest, Romania, October 9, 1977. Admitted to the New York Bar, 2003; Massachusetts Bar, 2003; Pennsylvania Bar, 2004; District of Columbia Bar, 2007. Admitted to practice before the United States District Court for the Eastern District of Pennsylvania, 2005; United States District Court for the Western District of Pennsylvania, 2007; United States District Court for the District of Columbia, 2007; United States District Court for the Eastern District of Pennsylvania, 2009; United States Supreme Court, 2009. Education: Brandeis University (B.A., *cum laude*, 1999); Fordham University Law School (J.D., 2002). Experience: Law clerk to the Honorable John E. Jones III, United States District Court for the Middle District of Pennsylvania (2002-2004); Associate, MacElree Harvey, Ltd. (2004-2006). Member: American Bar Association; Pennsylvania Bar Association; District of Columbia Bar Association; Philadelphia Trial Lawyers Association.

Matthew L. Wiener, born Albany, New York, April 2, 1969. Admitted to the District of Columbia Bar, 1999; Pennsylvania (inactive) 1996; Court Admissions: U.S. Supreme Court; U.S. Courts of Appeals, D.C., Second, Third and Ninth Circuits, U.S. District Court, E.D. Pa. Education: Stanford Law School (J.D.); Articles Editor, Stanford Law Review; College of William and Mary (A.B.); Experience: serving first as Counsel to the U.S. House of Representatives Committee on the Judiciary and later as General Counsel to former U.S. Senator Arlen Specter; former partner in the litigation department of Dechert LLP (formerly Dechert Price & Rhoads); litigated class action cases before trial and appellate courts, enforcement actions before administrative agencies, and appeals of administrative agency decisions before federal and state appellate courts. Publications: Co-written one book, THE NLRB AND SECONDARY BOYCOTTS (3d ed.); written articles for such publications as THE NATIONAL LAW JOURNAL; served on the editorial boards of several treatises published by the American Bar Association, including THE DEVELOPING LABOR LAW (5th ed.) and EMPLOYMENT DISCRIMINATION LAW (4th ed.). Lecturer: Lecturer in law at the University of Pennsylvania Law School, where he teaches a course on Congressional powers and the Supreme Court; Previously taught remedies, injunctions, and other subjects at Rutgers University School of Law; and lectured at the National Constitution Center, Yale Law School, and numerous CLE programs; Member: American Bar Association (former Council Member, Section of Administrative Law).

OF COUNSEL TO THE FIRM

David W. Stanley, born St. Louis, Missouri, May 30, 1944. Admitted to the District of Columbia Bar, 1973; Virginia State Bar, 1972. Admitted to practice before the United States Supreme Court, 1980; United States Court of Appeals for the District of Columbia Circuit, 1978; United States District Court for the District of Columbia, 1974. Education: University of Virginia (B.A., 1966); University of Virginia School of Law (J.D., 1972). Experience: Law clerk to Honorable Gerard D. Reilly, Chief Judge, District of Columbia Court of Appeals (1972-1973). Assistant U.S. Attorney,

U.S. Attorney's Office for the District of Columbia, 1973-1984 (Fraud Division, 1981-1984); Assistant Chief Trial Attorney, Division of Enforcement, U.S. Securities and Exchange Commission (1984-1987); Of Counsel, Swidler & Berlin, Chartered (1987-1992). Member: District of Columbia Bar Association (Corporation, Finance and Securities Law Section; Litigation Section); Assistant U.S. Attorneys Association (President, 1994-1995); Association of Securities and Exchange Commission Alumni; The Barristers.

Charles Tiefer, born January 21, 1954. Admitted to the District of Columbia Bar. Admitted to practice before the United States Supreme Court; United States Court of Federal Claims. Education: Columbia University (B.A., *summa cum laude*, 1974), Harvard Law School (J.D., *magna cum laude*, 1977) (Member, Harvard Law Review). Experience: Law clerk, United States Court of Appeals for the D.C. Circuit (1977-1978); Trial Attorney, United States Department of Justice, Civil Rights Division (1978-1979); Assistant Senate Legal Counsel, United States Senate (1979-1984); Solicitor and Deputy General Counsel, United States House of Representatives (1984-1995); Professor of Law, University of Baltimore School of Law (1995 -). Publications: VEERING RIGHT: HOW THE BUSH ADMINISTRATION SUBVERTS THE LAW FOR CONSERVATIVE CAUSES (U. Cal. Berkeley, 2004); GOVERNMENT CONTRACT LAW: CASES AND MATERIALS (co-author) (Carolina Academic Press, 2d ed., 2004); THE SEMI-SOVEREIGN PRESIDENCY (Westview, 1994); CONGRESSIONAL PRACTICE AND PROCEDURE (Greenwood Press, 1989); *Congress's Transformative "Republican Revolution" in 2001-2006 and the Future of One-Party Rule*, J. L. & POL. OF U. VA. (2008); *The Iran Debacle: The Rise and Fall of Procurement-Aided Unilateralism as a Paradigm of Foreign War*, UNIV. PENN. J. INT'L ECON. LAW (2008); *Can Appropriation Riders Speed Our Exit From Iraq?* 42 STAN. J. INT'L L. 291 (2006); *The Gold Train Case: Successfully Suing the United States on Behalf of a Class of Holocaust-Era Victims*, 27 CLASS ACTION REP. 136 (2006); *Cancellation and Termination Without Forfeiture*, 54 MERCER L. REV. 1031 (2003). Member: District of Columbia Bar Association.

Jon Anders Tostrud, born St. Paul, Minnesota, February 6, 1969. Admitted to the Minnesota Bar, 1994; California Bar, 1999. Education: St. Olaf College (B.A., 1991); William Mitchell College of Law (J.D., 1994). Member: California Employment Lawyer's Association; National Employment Lawyer's Association.